

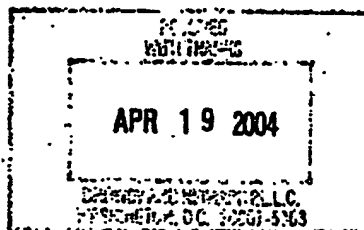


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DCKET NUMBER |
|--------------------|------------------------|-----------------------|-----------------------|
| 10/620,621 | 07/17/2003 | Edna Mozes | MOZES-2A |

001444
 BROWDY AND NEIMARK, P.L.L.C.
 624 NINTH STREET, NW
 SUITE 300
 WASHINGTON, DC 20001-5303



CONFIRMATION NO. 9655

FORMALITIES LETTER



OC000000012375839

Date Mailed: 04/16/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

MSD-16 JE 2004

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 3,4,8,9,11,13-17,20,21,23,25,26 are not in compliance with 37 CFR 1.52(a).

Replies should be mailed to: Mail-Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/17/2004 BHABTEW 00000003 024035 10620621

01 FC:1203 290.00 DA
 02 FC:1202 18.00 DA

Adjustment date: 11/16/2004 SDIRETA1
 08/17/2004 BHABTEW 00000003 024035 10620621
 01 FC:1203 290.00 CR
 02 FC:1202 18.00 CR

BEST AVAILABLE COPY



Dep. Dir.
DIVISION
Room #307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2004 OCT -7 PM 1:06

Atty. Docket: MOZES2A

In re Application of:) Conf. No.: 9655
)
Edna MOZES) Art Unit:
)
Appln. No.: 10/620,621) Examiner:
)
Filed: July 17, 2003) Washington, D.C.
)
For: (SYNTHETIC PEPTIDES AND) October 5, 2004
(PHARMACEUTICAL COMPOSITIONS)

REQUEST FOR REFUND

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop 16 (Refunds)
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

This application is a continuation of application no. 08/913,994, now USP 6,613,536. Said parent application was originally filed as a §371 national stage of PCT/US96/04206, which was published as WO 96/30057. As a continuation of patent application 08/913,994, the present application was filed with the same specification as the parent case, which, of necessity, was the same as that published as WO 96/30057. However, a new set of claims was filed with the present continuation.

In response to a Notice to File Corrected Application Papers, i.e., a substitute specification in compliance with 37 C.F.R. §1.52(a), on July 16, 2004, applicant filed a clean

In re of Appln. No. 10/620,621

copy of WO 96/30057, the publication of the application on which the parent application was based. Unfortunately, the claims of WO 96/30057 were inadvertently filed along with the description portion thereof. As indicated above, these were not the claims of the instant application. The claims of the instant application are the 15 claims (2 independent) that were filed with the application on July 17, 2003. No amendment to the claims was made or intended by the Communication filed on July 16, 2004.

Due to the mistake of filing the published claims with the published specification when submitting the requested substitute specification, without any specific fee charge authorization, the deposit account of the undersigned has been charged \$290.00 for fee code 1203 (multiple dependent claim) and 18.00 for fee code 1202 (claims in excess of 20). See the attached deposit account statement. This was presumably in accordance with the general fee charge authorization under 37 C.F.R. §1.16 for presentation of extra claims contained in both the new patent transmittal of July 17, 2003, and the transmittal submitted with the substitute specification on July 16, 2004.

Applicant submitted a Communication on October 1, 2004, to correct the erroneous filing of July 16, 2004. This Communication points out that the claims as filed on July 17,

In re of Appln. No. 10/620,621

2003, are the claims intended to be examined. A fresh substitute specification was attached to the Communication of October 1, 2004, and applicant requested that the entire submission of July 16, 2004, be disregarded.

37 C.F.R. §1.26(a) provides that the Director may refund any fee paid by mistake. Here, the presence of claims with the substitute specification was a mistake and the payment of any fees necessitated thereby was never intended. To the extent that a fee was nonetheless charged to the deposit account of the undersigned, such payment was a mistake and should be refunded pursuant to this regulation. This is not a case of change of purpose after the payment of a fee. There was never an intent to change the claims from the form that they were filed, nor was there ever an intent that any additional claims fee be paid. The new specification was clearly submitted only to eliminate markings that interfered with publication. Subsequently, the examiner was instructed to disregard the entire submission of July 16, 2004, because of the errors therein.

As there was no amendment to the claims filed on July 16, 2004, and none was intended, and as, in any event, the papers of July 16, 2004, have been subsequently withdrawn, the claims of July 17, 2003, are the claims of the application. Therefore, the charge of \$308.00 to

In re of Appln. No. 10/620,621

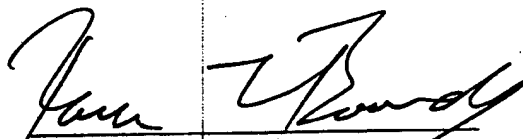
undersigned's deposit account was paid by mistake and should be refunded pursuant to 37 C.F.R. §1.26(a).

The undersigned hereby requests that a refund of in the amount of \$308.00 be credited to deposit account no. 02-4035 rather than being refunded by check.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



Roger L. Browdy
Registration No. 25,618

RLB:rd

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\B\BENA\Mozes2A\Pto\reqref.doc



United States
Patent and
Trademark Office



21

USPTO
Home
Page

Finance
Online
Shopping
Page

Deposit Account Statement

Requested Statement Month:

August 2004

Deposit Account Number:

024035

Name:

BROWDY AND NEIMARK

Attention:

PATRICIA MCINN

Address:

624 NINTH STREET, N.W.

City:

WASHINGTON

State:

DC

Zip:

20001-5303

| DATE | SEQ | POSTING REF TXT | ATTORNEY DOCKET NBR | FEE CODE | AMT | BAL |
|------------------|--------------|---------------------|---------------------------|----------------------|---------------------|--------------------|
| 08/02 | 252 | 60491995 | FUERY1 | 8007 BLAJ | \$20.00 | \$10,21 |
| 08/02 | 480 | 60499005 | STEINBERG5 | 8007 VISS | \$20.00 | \$10,19 |
| 08/02 | 483 | 60056000 | | 8007 | \$20.00 | \$10,17 |
| 08/02 | 484 | 60081285 | | 8007 | \$20.00 | \$10,15 |
| 08/04 | 2 | 09887520 | LOY=5 | 1251 COLB | \$110.00 | \$10,04 |
| 08/04 | 28 | 10189576 | ONUKI 1A <i>HOYAMA</i> | 1801 | \$770.00 | \$9,270 |
| 08/04 | 29 | 10189576 | ONUKI 1A <i>TAMABE</i> | 1202 | \$90.00 | \$9,180 |
| 08/04 | 325 | 60491527 | LAURSEN1 | 8007 HOIB | \$20.00 | \$9,160 |
| 08/05 | 5 | 10490099 | NORDENHEM1 | 2616 <i>BRAN</i> | \$145.00 | \$9,015 |
| 08/05 | 6 | 10473721 | SHECHTERS | 2253 <i>BENA</i> | \$475.00 | \$8,540 |
| 08/05 | 86 | 09765644 | EIS-SCHWARTZ | 2252 <i>BENA</i> | \$5.00 | \$8,535 |
| 08/05 | 296 | 60334962 | WILCHEK7.3 | 8007 YEDD | \$20.00 | \$8,515 |
| 08/05 | 303 | 60483899 | FRESKGARD5 | 8007 <i>HUIB</i> | \$20.00 | \$8,495 |
| 08/06 | 40 | 60499388 | KHALIL1 | 1807 COHN | \$50.00 | \$8,445 |
| 08/12 | 3 | 09920295 | KREINDEL=2 | 1201 COHN | \$84.00 | \$8,361 |
| 08/13 | 3 | 10110317 | BREUR=1 | 2252 COHN | \$210.00 | \$8,151 |
| 08/16 | 25 | 10677777 | <i>TOVEY SA</i> | 2001 ORAK | \$375.00 | \$7,776 |
| 08/16 | 200 | 60491996 | AGRANAT1 | 8007 VISS | \$20.00 | \$7,756 |
| 08/17 | 8 | 10629821 | NOTES SA | 1203 BENA | \$290.00 | \$7,466 |
| 08/17 | 8 | 10629821 | NOTES SA | 1202 | \$18.00 | \$7,448 |
| 08/18 | 1 | 10490100 | MATHYS1 | 1616 | \$290.00 | \$7,158 |
| 08/18 | 2 | 09914771 | JENSEN=7 | 2202 INTE | \$9.00 | \$7,149 |
| 08/18 | 86 | 10482032 | ROMERO-BELTRAN1 | 2615 <i>BECE</i> | -\$90.00 | \$7,239 |
| 08/19 | 8 | E-REPLENISHMENT | | 9203 | -\$10,000.00 | \$17,23 |
| 08/19 | 40 | 10798502 | <i>BARAK S</i> | 8011 COHN | \$55.00 | \$17,18 |
| 08/19 | 238 | 60499389 | NASLUND1 | 8007 <i>BRAN</i> | \$20.00 | \$17,16 |
| 08/20 | 3 | 09832618 | 10417-077001 | 2251 | -\$55.00 | \$17,21 |
| 08/20 | 167 | 76564714 | LAMDEX1 | 8507 <i>MAKT</i> | \$30.00 | \$17,18 |

1202 - CLAIMS RM 20
1203 - MULT-DEP-CLAIMS

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.